

**ASSEMBLY BILL**

**No. 1218**

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**Introduced by Assembly Member Obernolte**

February 17, 2017

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An act to amend Sections 21080.20 and 21080.20.5 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

AB 1218, as introduced, Obernolte. California Environmental Quality Act: exemption: bicycle transportation plans.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA, until January 1, 2018, exempts from its requirements bicycle transportation plans for an urbanized area for restriping of streets and highways, bicycle parking and storage, signal timing to improve street and highway intersection operations, and related signage for bicycles, pedestrians, and vehicles under certain conditions. CEQA, until January 1, 2018, also exempts from its requirements projects consisting of restriping of streets and highways for bicycle lanes in an urbanized area that are consistent with a bicycle transportation plan under certain conditions.

This bill would extend indefinitely those 2 exemptions.

Vote: majority. Appropriation: no. Fiscal committee: yes.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 21080.20 of the Public Resources Code  
2 is amended to read:

3 21080.20. (a) This division does not apply to a bicycle  
4 transportation plan prepared pursuant to Section 891.2 of the Streets  
5 and Highways Code for an urbanized area for restriping of streets  
6 and highways, bicycle parking and storage, signal timing to  
7 improve street and highway intersection operations, and related  
8 signage for bicycles, pedestrians, and vehicles.

9 (b) Prior to determining that a project is exempt pursuant to this  
10 section, the lead agency shall do both of the following:

11 (1) Hold noticed public hearings in areas affected by the bicycle  
12 transportation plan to hear and respond to public comments.  
13 Publication of the notice shall be no fewer times than required by  
14 Section 6061 of the Government Code, by the public agency in a  
15 newspaper of general circulation in the area affected by the  
16 proposed project. If more than one area will be affected, the notice  
17 shall be published in the newspaper of largest circulation from  
18 among the newspapers of general circulation in those areas.

19 (2) Prepare an assessment of any traffic and safety impacts of  
20 the project and include measures in the bicycle transportation plan  
21 to mitigate potential vehicular traffic impacts and bicycle and  
22 pedestrian safety impacts.

23 (c) If a local agency determines that a project is not subject to  
24 this division pursuant to this section, and it determines to approve  
25 or carry out that project, the notice shall be filed with the Office  
26 of Planning and Research and the county clerk in the county in  
27 which the project is located in the manner specified in subdivisions  
28 (b) and (c) of Section 21152.

29 ~~(d) This section shall remain in effect only until January 1, 2018,~~  
30 ~~and as of that date is repealed, unless a later enacted statute, that~~  
31 ~~is enacted before January 1, 2018, deletes or extends that date.~~

32 SEC. 2. Section 21080.20.5 of the Public Resources Code is  
33 amended to read:

1 21080.20.5. (a) This division does not apply to a project that  
2 consists of the restriping of streets and highways for bicycle lanes  
3 in an urbanized area that is consistent with a bicycle transportation  
4 plan prepared pursuant to Section 891.2 of the Streets and  
5 Highways Code.

6 (b) Prior to determining that a project is exempt pursuant to this  
7 section, the lead agency shall do both of the following:

8 (1) (A) Prepare an assessment of any traffic and safety impacts  
9 of the project and include measures in the project to mitigate  
10 potential vehicular traffic impacts and bicycle and pedestrian safety  
11 impacts.

12 (B) The requirement to prepare an assessment pursuant to  
13 subparagraph (A) shall not apply if either of the following  
14 conditions is met:

15 (i) Measures to mitigate these impacts are identified in an  
16 environmental impact report, negative declaration, or mitigated  
17 negative declaration prepared pursuant to this division for the  
18 bicycle transportation plan, certified or approved no more than  
19 five years prior to making the determination, the measures are  
20 included in the plan, and those measures are incorporated into the  
21 project.

22 (ii) An assessment was prepared pursuant to paragraph (2) of  
23 subdivision (b) of Section 21080.20 no more than five years prior  
24 to making the determination, the measures to mitigate these impacts  
25 are included in the plan, and those measures are incorporated into  
26 the project.

27 (2) Hold noticed public hearings in areas affected by the project  
28 to hear and respond to public comments. Publication of the notice  
29 shall be no fewer times than required by Section 6061 of the  
30 Government Code, by the public agency in a newspaper of general  
31 circulation in the area affected by the proposed project. If more  
32 than one area will be affected, the notice shall be published in the  
33 newspaper of largest circulation from among the newspapers of  
34 general circulation in those areas.

35 (c) (1) If a state agency determines that a project is not subject  
36 to this division pursuant to this section, and it determines to  
37 approve or carry out that project, the notice shall be filed with the  
38 Office of Planning and Research in the manner specified in  
39 subdivisions (b) and (c) of Section 21108.

1     (2) If a local agency determines that a project is not subject to  
2 this division pursuant to this section, and it determines to approve  
3 or carry out that project, the notice shall be filed with the Office  
4 of Planning and Research, and filed with the county clerk in the  
5 county in which the project is located in the manner specified in  
6 subdivisions (b) and (c) of Section 21152.

7     ~~(d) This section shall remain in effect only until January 1, 2018,~~  
8 ~~and as of that date is repealed, unless a later enacted statute, that~~  
9 ~~is enacted before January 1, 2018, deletes or extends that date.~~